

REMARKS

Claims 1-7 and 9-10 are pending in this application. Claims 7, 8, 9 and 10 have been objected to, and claims 5-6 have been rejected under 35 U.S.C. § 112, second paragraph. Claims 1-4 and 9-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by "*American Wills Created Online*." These reasons for rejection are respectfully traversed.

Claim Objections

The Office Action has objected to claims 7, 8, 9 and 10 noting several claims have an incorrect status identifier. By the amendments set forth above, Applicant has corrected these deficiencies. Accordingly, it is respectfully submitted that this objection should be withdrawn.

Claim Rejections

35 USC § 112, second paragraph

The Office Action has rejected claims 5 and 6 under 35 U.S.C. § 112, second paragraph, noting several claim terms lack proper antecedent basis. By the amendments set forth above, Applicant has corrected these deficiencies. Accordingly, this reason for rejection should be withdrawn.

35 U.S.C. § 102(b)

Claims 1-7 and 9-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the document *American Wills Created Online*. This reason for rejection is respectfully traversed.

The present invention requires a first step selecting the degree to which a user wants to deal with every possible detail when going through the process of creating a legal document such as a will before the process gets underway. This is defined in the specification as selecting a degree of "complexity." The user initially selects a degree of complexity, and then at least some of the subsequent data entry screens differ based upon this initial selection. The selection of various levels of complexity has nothing to do with

the complexity of the resulting document and only to the content of subsequent questions and input screens. As set forth in the specification at page 5:

"...the preferred embodiment of the present invention permits the user to select between three levels of complexity based upon both subjective and objective criteria, rather than based solely upon a few objective criteria such as statutory limits or number of persons in a family. ... [A] first level of complexity ... will elicit complex financial and personal data and will ask the end user to make numerous sophisticated and detailed choices within the criteria provided by those data. A second level of complexity will require significant data entry, but less data than the most complex level. ... The third level, the most simple, requires limited data input and makes a large number of assumptions, thereby requiring the end user to make minimum choices. This third level of complexity resembles the prior art software described above where a user chooses between a few basic will formats, based largely on statutory criteria.

As further explained in the specification on page 6, the user does not need to have foreknowledge of the implications of these choices. Therefore, as used with regard to the invention, the word "complexity" is solely related to the questions and input screens, not to the document itself. Although it is possible that a more complex document may result from more complex (or detailed) questions simply because there are more issues to be addressed, this is not what is defined by claims 1, 5 and 7.

As amended, claims 1, 5 and 7 recite that a choice is made between two or more levels of complexity "based upon both subjective and objective criteria" and that this choice of a level of complexity affects the subsequent data input screens.

The Office Action suggests that the applied reference discloses "an initial screen for selecting different level of complexity" citing the entry of personal information on the first screen (objective information) and then suggesting that based on this entry the disclosed website will "furnish the next (second) entry screen." A close review of the page entitled "Page 1 of 5: My WillWorks Will" of the reference reveals that no information is requested that is in anyway subjective, i.e., nothing relates to an opinion or conscious choice by the person creating the will. All the entry fields are purely objective data. This is in stark contrast to the description in the specification that a preferred embodiment of the present invention will require a conscious and knowing initial choice by the user of the first level of complexity that "will elicit complex financial and

personal data and will ask the end user to make numerous sophisticated and detailed choices" or the user may initially choose other, simpler levels of complexity. There is no disclosure or suggestion anywhere within the reference of the system disclosed and claimed in the present application, and in particular no teaching or disclosure of requiring *subjective* initial choices—those based on the user's own opinion, belief or desire—on the first data entry screen.

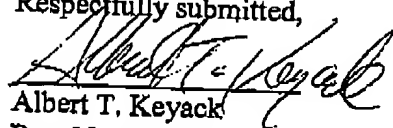
To anticipate a claim, every element and limitation of the claim must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

It is therefore respectfully submitted that neither claim 1 nor claim 7 is anticipated by the asserted reference. Claims 2-6 and 9-10 depend from claims 1, 5 and 7 for these same reason are also now in a condition to be allowed. Therefore, it is respectfully submitted that since the present invention is neither disclosed nor suggested by any prior art of record, upon entry of the amendments set forth above, all the pending claims will be in a condition to be allowed.

Conclusion

For all these reasons, it is respectfully submitted that the present application is now in a condition to be allowed. Notice to this effect is earnestly solicited.

Respectfully submitted,


Albert T. Keyack
Reg. No. 32,906
Attorney for Applicant
(215) 738-5925

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